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6 Attorneys for Defendants
BAYER CORPORATION,
7 BAYER HEALTHCARE LLC,
BAYER ESSURE, INC., and BAYER
8 HEALTHCARE PHARMACEUTICALS, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 NORMA SCOTT,

13 Plaintiff,

14 vs.

15 BAYER CORP., an Indiana corporation;
BAYER HEALTHCARE LLC, a Delaware
16 company; BAYER ESSURE INC. (F/K/A
CONCEPTUS, INC.), a Delaware corporation;
17 BAYER HEALTHCARE
PHARMACEUTICALS, INC. a Delaware
18 corporation; and DOES 1 - 10, inclusive,

19 Defendants.
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) Case No. 16-cv-3369-WHA
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)
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**STIPULATION AND ~~PROPOSED~~
ORDER ON BRIEFING SCHEDULE FOR
MOTION TO DISMISS AND MOTION TO
REMAND**

1 Plaintiff Norma Scott and defendants Bayer Corporation, Bayer HealthCare LLC, Bayer
2 Essure Inc., and Bayer HealthCare Pharmaceuticals Inc. (collectively, “Bayer”) hereby stipulate and
3 agree as follows:

4 1. Plaintiff filed her complaint on May 16, 2016, in the Superior Court for the State of
5 California, County of Alameda, asserting claims involving the Essure® Permanent Birth Control
6 System (the “Essure Device”).

7 2. Bayer removed this action to federal court on June 16, 2016. [Dkt. No. 1].

8 3. Bayer filed its Motion to Dismiss on June 23, 2016. [Dkt. No. 14]. Pursuant to the
9 Local Rules, Plaintiff’s opposition is due on July 7, and Bayer’s reply is due on July 14. [Id.].

10 4. Thereafter, the matter was reassigned to the Honorable William. H. Alsup. [Dkt. No.
11 22]. Pursuant to the Related Case Order entered on June 30, 2016, the Court instructed Bayer, as the
12 moving party on the Motion to Dismiss, to re-notice its Motion to Dismiss. [Id.].

13 5. This case is related to *Aigner, et al. v. Bayer Corporation, et al.*, No. 3:16-cv-03437-
14 WHA, and Bayer has filed a similar Motion to Dismiss in that case.

15 6. The parties have met and conferred on a briefing schedule that will permit a
16 coordinated hearing on the motions to dismiss in *Scott* and *Aigner*. In addition, Plaintiffs in this case
17 and in *Aigner* have indicated that they will be filing Motion to Remands the actions to the Superior
18 Court for the State of California, s.

19 7. In the interests of efficiency and to permit coordination of briefing and hearing of the
20 issues among the related cases, the parties agree to and request the Court to order the following
21 briefing schedule for Bayer’s Motion to Dismiss and Plaintiff’s anticipated Motion to Remand,
22 which is the first time the parties have requested this type of relief and which will not otherwise
23 affect the schedule in this case:

- 24 • July 22, 2016 – Plaintiff’s deadline to file Motion to Remand
- 25 • August 8, 2016 – Plaintiff’s deadline to respond to Motion to Dismiss
- 26 • August 12, 2016 – Bayer’s deadline to respond to Motion to Dismiss
- 27 • August 22, 2016 – Bayer’s deadline to file reply in support of Motion to Dismiss
- 28 • August 24, 2016 – Plaintiff’s deadline to file reply in support of Motion to Remand

1 IT IS SO STIPULATED.

2 Dated: July 6, 2016

SIDLEY AUSTIN LLP

3
4 By: /s/ Alycia A. Degen

5 Alycia A. Degen
6 Attorneys for Defendants
7 BAYER CORPORATION,
8 BAYER HEALTHCARE LLC,
9 BAYER ESSURE, INC., and BAYER
10 HEALTHCARE PHARMACEUTICALS, INC.

11 Dated: July 6, 2016

GRANT & EISENHOFER P.A.

12 By: /s/ M. Elizabeth Graham

13 M. Elizabeth Graham
14 Attorneys for Plaintiff
15 NORMA SCOTT

16 **Filer's Attestation:**

17 Pursuant to Local Rule 5-1(i)(3), regarding signatures, Alycia A. Degen hereby attests that
18 concurrence in the filing of this document has been obtained from M. Elizabeth Graham.
19

20 By: /s/ Alycia A. Degen

21 Alycia A. Degen
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~~PROPOSED~~ ORDER

PURSUANT TO THE PARTIES STIPULATION, and for good cause shown, IT IS
ORDERED THAT:

- a. Plaintiff shall file her motion to remand on or before July 22, 2016.
- b. Plaintiff's opposition to Bayer's Motion to Dismiss is due August 8, 2016.
- c. Bayer's opposition to Plaintiff's Motion to Remand is due August 12, 2016.
- d. Bayer's reply in support of its Motion to Dismiss is due August 22, 2015
- e. Plaintiff's reply in support of her Motion to Remand is due August 24, 2016.

Dated: July 8, 2016



Honorable William Alsup